IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMARY SUIT NO.3089 OF 2006

Hirachand Ramchand Jain ..Plaintiff.
Vs.
Vikas Chandrakant Khadilkar & Ors. ..Defendants.
....
Mr. Sunil Kanojia i/b Mr. K.P. Jain for the Plaintiff.
None for the Defendants.
....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

10th April, 2007.

P.C. :

1. The suit is based on a demand Bill of Exchange drawn by the First Defendant and accepted by the Second Defendant in the amount of Rs.1 lac for consideration received by the First Defendant from the Plaintiff. The Bill of Exchange was presented for payment on 8th June, 2006 to the Second Defendant but was dishonoured. Upon presentation, the First Defendant has also failed and neglected to make payment. An advocate's notice was addressed to the Defendants on 23rd August, 2006 to which there is no reply.

2. The Defendants have not entered appearance despite service of the writ of summons. An affidavit of service has been filed. A compilation of the original documents has also been filed on the basis of which the claim is established. The claim in the suit falls within the purview of Order 37 of the Code of Civil Procedure. The suit is accordingly decreed as prayed subject to the modification that the Plaintiff will be entitled to interest at the rate of 9% per annum from the date of the institution of the suit until the date of the decree and at the same rate from the date of the decree until payment or realization.

Refund of Court Fess, if any, as per rules.